

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 312
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation, February 28, 2005, with recommendation that the Senate Committee Substitute do pass.

1289S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to expanding the membership of the highways and transportation commission.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 226.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 226.030, to read as follows:

226.030. 1. The highways and transportation commission shall consist of **[six] eight** members, who shall be appointed by the governor, by and with the advice and consent of the senate, not more than **[three] four** thereof to be members of the same political party. **Two members shall meet the qualifications provided for in subsection 2 of this section.** Each commissioner shall be a taxpayer and resident of state for at least five years prior to his appointment. Any commissioner may be removed by the governor if fully satisfied of his inefficiency, neglect of duty, or misconduct in office. Commissioners appointed pursuant to this section shall be appointed for terms of six years, except as otherwise provided in this subsection. Upon the expiration of each of the foregoing terms of these commissioners a successor shall be appointed for a term of six years or until his successor is appointed and qualified which term of six years shall thereafter be the length of term of each member of the commission unless removed as above provided. The members of the commission shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. Members whose terms otherwise expire December 1, 2003, shall serve with terms expiring March 1, 2004, and new members or the members reappointed shall be appointed for terms expiring March 1, 2005; a member whose term otherwise expires December 1, 2005, shall serve with a term expiring March 1, 2007; a member whose term otherwise expires

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

December 1, 2007, shall serve with a term expiring March 1, 2009; and one member whose term otherwise expires October 13, 2007, shall serve with a term expiring March 1, 2007; and one member whose term otherwise expires October 13, 2007, shall serve with a term expiring March 1, 2009. If a vacancy occurs in any term of a commissioner due to death, resignation, or removal, a successor shall be appointed for only the remainder of the unexpired term.

2. On or after August 28, 2005, the governor shall appoint, with the advice and consent of the senate, two additional members to the highways and transportation commission. In addition to the qualifications set forth in subsection 1 of this section, one member appointed by the governor shall be a representative of the state's interests in matters relating to air and mass transit, and one member shall be a representative of the state's interests in matters relating to freight and river transit. The two additional members appointed under this subsection shall serve with terms expiring September 1, 2011. Upon the expiration of each of the commissioners' terms appointed under this subsection, a successor shall be appointed for a term of six years in the same manner as provided for in subsection 1 of this section.

3. The two members of the commission, one each from opposing political parties, who have the most seniority in commission service shall serve as commission leadership with one member as chair and the other member as vice chair, respectively, for terms ending March 1, 2005. The commission shall elect one of the members as chair and the other as vice chair. Effective March 1, 2005, the commission shall elect the two members of the commission, one from each opposing political party who has the most seniority in commission service, who shall serve as commission leadership with one member as chair and the other member as vice chair, respectively, for one year. At the end of such year, the member currently serving as chair shall then serve as vice chair, and the member currently serving as vice chair shall serve as chair, each to serve in such position for one year. Thereafter, commission leadership shall continue to rotate accordingly with the two members from opposing political parties who have the most seniority in terms of commission service, **provided such members have at least one year remaining in their terms**, being elected by the commission to serve as commission leadership. If one of the commission leadership offices becomes vacant due to death, resignation, removal, or refuses to serve before the one-year leadership term expires, the commission shall elect one of its members that is of the same political party as the vacating officer to serve the remainder of the vacating officer's leadership term. Such election shall not prohibit that member from later serving as chair and vice chair when such member's seniority in commission service qualifies him or her for those offices as provided in this subsection.

[3.] **4.** No more than one-half of the members of the commission shall be of the same political party. The selection and removal of all employees of the department of

transportation shall be without regard to political affiliation.

[4.] 5. The present members of the commission shall continue to serve as members of the commission for the remainder of the terms for which they were appointed, except as provided in subsection 1 of this section.

[5.] 6. The director of the department of transportation shall, by February fifteenth of each year, present an annual state of the state of transportation to a joint session of the general assembly. The six members of the commission shall be present and available at such presentations for questions by members. The transportation inspector general may also be present and report to the general assembly on any matter of concern within his or her statutory authority. The provisions of this subsection shall expire August 28, 2008.

[6.] 7. Any member reappointed shall only be eligible to serve as chair or vice-chair during the final two years of such member's reappointment.

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